son apparates on board the steamors, let such an ficer be appointed.

MILITARY.-The crack corps of Boston, the Light lefastry (Figers). Capt. Charles O. Rogers, will visit Bew-York on the 18th of October, as the guests of the Light Guard. This company on its visit here some time year ago attracted a large degree of attention by the perfection of its drill and the elegance of its ap-

RECEPTION OF A FIRE COMPANY. - Engine Company No 2 of this city, will return from Hartford this when they will be received, with music and onstrations, by some thirty companies, and scorted to their quarters. The companies will form on Third-avenue and Twenty-sixth street at 7 o'clock p. m., and march down to Thirteenth street and Fourth evente, Twelfth-street and Broadway to Chambers street, down Park Row to Fulton street,

Steam has been introduced into Grand street yesterday afternoon, quite a crowd collected there to see two mean ering themselves down between carts and stages, to vehicle resembling a child's wagon in size, and all other respects save the propelling power, which was not the customary "Irish girl of tender years," but another machine known as the high pressure eagle. The precise power was not ascertained, but we imagine two-tom eat would be about the right statement. With great presence of mind the engineer vecred is and out, or put on the brakes, whenever a dray seemed disposed to assert the right of way. We have not heard that anything was run over, though the desciency of a whistle made that appalling contingency, probable. If in other respects the experiment proved as successful, the next thing may be an advertisement of Low-Pressure Safety-Vale Patent-Brake Baby Wagons.

Early yesterday morning one of the policemen of the Fourth Ward noticed a woman steal up the steps of a house on his best and leave a basket against the door, after which she rang the bell and hurried away. He preceded to make inquiries into the contents of the baket, whereupon a fine plump child of four montas declosed itself and equalled lustily. With the baby is his arms, he rushed down Roosevelt street in purait of the unsatural mother. Half a dozen nightcaps merged from the neighboring windows and thought it was case of abduction. Then the guardian of the phic peace caught a glimpse of the mother disap-paring into a baker's shop, two blocks off, and houted after her strennously. The juvenile breaker if the same peace added his voice to the hubbub, and three small boys, seeing an opening for their talents, gied "fire." Coming up to the shop, the policeman ad baby entered, and caught the unnatural mother in de act of buying a loaf of bread. Unnatural mother boked startled. Baby made overture to be taken nto the maternal arms. Policeman invited the womas to come along. Necessarily she asked why? Policeman; "You'll see why! Ain't you ashamed of yourself to desert your infant in this here way? I rather think you'll be sent up for a few days; so, come on." Unnatural mother: "You're a foel. Hasn't a wopas s right to leave her baby at her own door thile she goes after bread ! Get out with you." In ather an ur settled state of mind, the policeman went back with the mother and child to the steps aforesaid. and found the father at the door in great agitation over the loss of his offspring. The mother was a nightsame, who took her baby with her, and used the baket to make him more portable. The policeman sloped, with a hearty malediction on children who stay out all night, and hereafter babies in his part of the Fourth Ward will receive no attention whatever.

QUARANTINE STEAMTER STIZED FOR SMUGGLING .-The Quarantine eteamtug, Robert C. Smith, for some maths past engaged tugging vessels at Quarantine, officers, stationed at Quarantine, for having, as is allered, brought away a lot of cigass from the Mary Alice, from Havana, now lying at the lower andorage. It is said that as many Havana cigars as mald be stowed in the water casks were taken from te vessel. The Commissioners of Health last Spring med a resolution to employ a tug for the use o he Health officer which would also have the priviige of doing tugging on her own account at Quaran-ie. Until about three weeks since this tug was in barge of Capt. Peter W. Roff, George W. Daley ad another person. At the present time Roff was en aged in some other capacity on board, and when the becommand of Walter Shultz, a Pilot. These two sen were taken up to the Custom House on the ar-iral of the tug at Whitehall, at three o'clock, and blice officers Washington, Ryer and Queeney, or five men seemed to know nothing of the affair. he smuggling is said to have occurred on Thursday. he Robert C. Smith has been a privileged craft at Quarantine during the Summer, but her former Quarptine officers and hands disclaim any such nefacious practices as smuggling.

MONEY SAVED .- It seems that Mrs. Birch -wife of Mr. James Birch of Fall River, Mass., President of the California Stage Company, who was among too lest passengers of the Central America-was not left destitute by the death of her husband. Mr. Birch and sent on, in the Illinois, the steamer which presoded the Central America, \$60,000 in gold bars, for which he also remitted a draft payable to the order of his wife. On Wednesday last Mrs. Birch sent the bare to the Assay Office in this city to be refined and stamped.

THE PROSPECT OF RAISING THE CENTRAL AMERICA. Some papers have been giving currency to reports that the Boston Submarine Armor Company had proposed to the Underwriters to raise the Central America and save her treasure. The mate gives her position when she went down, lat. 31° 45′, lon. 78° 15′. From that point to the nearest land (Cape Roman) is 95 wiles, and the soundings show 600 fathoms of water. From these facts the absurdity of attempting to raise be vessel or her treasure must be apparent.

We commend the following parrative, which we exrect from The Boston Post, to the attention of those New-York ladies who take a seat in a car without so such as eaying "Thank you," to the gentleman who

"A lady-I suppose she was a lady, for she wore "A lady—I suppose she was a lady, for she were scattlful clothes—got into a car which was completely occupied, and all were ladies save a Cambridge student and myself. She looked anxiously about for a stat. The student politely relinquished his; where spon the lacy threw herself into it, her hoope clatterage beavily, without expressing the slightest thanks statever. The student looked anxiously at the occupied spot as if he had lost or left something, and asked ter to rise a momen: that he might search the cashion. Sea acquiesced; student immediately gided into the place, and having installed himself allowed the lady to stand up the remainder of the journey, as a reward for her want of civility."

ATTEMPT TO MURDER A FEMALE. -- Another shootog case occurred in Water street on Thursday night, a the same neighborhood where Morrissey was shot by Allea's bar-keeper on Tuesday. It appears that a Irishman named James Mahoney, a bostman, forberly lived with a girl named Ann Thompson. On Thursday evening the girl was standing in the door of a dazce-house, at No. 315 Water street, kept by one Muhoiland, better known as "Sandy." Mahoney reased upon the sidewalk, and whether words passed between them is not known, but he drew a pistol and findst her, the contents lodging in her left shoulder. The wand inflicted was very dangerous, and, it is below. beleved, will prove fatal. Mahoney was arrested and committed to await the results of the injury. He was recetly arrested on suspicion as a river thief, and

a desperate character. The girl was taken to the ker fork flospital. She states that she was not intimount with Mahoney, and never had quarreled with and she can assign no reason for his attempting to take her life. He was integricated when he fired the BROOKLYN ITEMS.

pietol, and made no remark to har provious to discharging it.

Charging it.

The Case of Plus Whitte.—An cramination in the case of Plus White, charged with obtaining over \$49,000 from Means. J. H. & H. L. Stevens by means of false and fraudulent representations, was had y sterday afternoon before Justice Flandram, at the Jadwest Market Police Gent. Afr. James H. Stevens, of No. 15 Carroll-place, on his cross-examination testified that his brother, H. L. Stevens, who is younger than himself, saled for Europe about two weeks age; he and his brother have been in the brokering business at two or four years; his brother was engaged in different kinds of business in California; since his return he has been in the broker's business; they first commenced business near the Bull's Head Benk, and thence moved to No. 70 Clasmbers-street two years ago last May; witness first became acquainted with Plin White one year ago last August, but knew him as a customer some three or four months before that time; White soid them uncer rent money; that was the only basiness witness did with him at that time; they had heard of Plin White having something to with a gold dust operation, but did not know that he was the man; never knew until lately that he was the person; heard it about five months ago; I cannot say who it was who told him; made some inquiries concerning him about the time they were doing business with him; the inquiries were made about one year ago; witness inquired of Cha-les Herbert; did not remainber of having made inquiries of Other persons, but might have dome so; about the substance of the inquiries when a hours of man he was; the inquiries were made before White made application for a loan on his own credit, witnout collateria; its loans previous to this time were in small amounts; have no centrles of them; kept them as canh account; the framsactions were frequent; thinks the first loan previous to this time were made when White made application for a loan on his own credit, witnout collateria; its loans previous to this time were in small amounts; have no centrles of them; THE CASE OF PLIN WHITE. - An examination

BURGLARY .- Officers Lloyd and Brady, of th BURGLARY.—Officers Lloyd and Brady, of the Twentieth Precinct, yesterday morning arrested Richard Foster and John Crammet, charged with burgiarboay entoring the liquor and cigar store of Thomas A. Dunn (Gouncliman), No. 36 Eighth avenue, on Thursday night, by unlocking the side door on 37th street with skeleton keys or some other in atruments, and stealing therefrom six silver spoons, a large quantity of cigars and tobacco, six docunters and sontents, copper and silver coin to the value of 62 cents, and a number of other articles, amounting in all to the value of \$55.

Stephen Judge, an employee of Mr. Dunn's, testified tha vesterday morning he proceeded to open the store, when he found the side door on Thirty seventh street standing open, with the appearance of having been burgiarlously forced. Upon entering the store he found the accused behind the counter with a portion of the property above mentioned in their passession. Foster and Crammet attempted to escape, but were followed by Stephen, who raised the cry of "Stop thief!" and pursued them until arrested.

Officer Brady testified that early yesterday morning he heard the cry of "Stop thief!" and immediately afterward saw Foster and Crammet running down Thirty-seventh street, pursued by another man. The officer, in company with Officer Lloyd joined in the pursuit, and soon arrested the accused, and upon searching them found upon their persons six silver spoons, some copper coins, and a quantity of tobacco, and also two aksistion heya.

The officers, upon searching a stable in West Thirty-seventh street, persons, some copper coins, and a quantity of tobacco, and also two aksistion heya.

The officers, upon searching a stable in West Thirty-seventh street, ages Broadway, found there concealed a portion of the property burglariously stolen from Mr.

The officers, upon searching a stable in West Thirty-seventh street, near Broadway, found there conceased a portion of the property burglariously stolen from Mr. Dunn's store. Mr. Dunn identified the property so found.

The account were taken before Justice Flandreau, at the Jefferson Market Police Gourt, and held to bail in the sum of \$5,000 each in default of which they were a marked to prison. Foster is seventeen years of age, a native of this City, and has worked in a paper factory.

Crammet is seventeen years of age, was born in New-York, and is a painter by trade. Neither of the prisoners had anything to say relative to the charge.

RUN OVER.—Jacob C. Swann, as aged man, was run over and severely injured by a fish wagon as he was crossing the Second avenue, at the corner of Thirty-second street. He was conveyed to Bellevus Hospital by Officer Quidor of the Twenty-first Ward.

Arandoning a Child.—On Thursday evening colored woman called at the house of Dr. Ferguson, No. 4 Car roll-piece, and requested the privilege to leave her young infanuntil she could carry home a basket of clothes. The immate took the chied, and the woman left, but sid not return again The child was sent to the Alma-House. FALL FROM A WINDOW .- On Thursday afterno

Margaret Brady fell from the third story window of house No 252 East Fifteenth-stront, and was seriously injured. She was removed to Bellevue Hospital.

ACCIDENT ON SHIPBOARD.—Yesterday morning a woman named Eliza Wilson, sustained a fracture of the leg by falling from a staging on board the slip Sebastian Cabot, tying at pier No. 10 East River. She was removed to the New York Hospital.

THE DIAPHANEOTYPES

Taken at Root's, No. 538 Broadway, are becoming immensel popular. They give universal satisfaction, on account of the high artistic most combined with perfect truthfulness. These pictures possess a delicacy and beauty of finish usattained by the most elaborate productions of the pendi. Daguerre types copied (enlarged) in this beautiful style. Made only the Root Gallery, No. 383 Broadway, comer of Frankiio-st.

[Advertisement.] A great entertainment is to be given at PURDY'S
NATIONAL THEATER to-night, commencing with the grand historical drams of "BRIAN BORGHEME," to be followed by the
partnamer of "THE RED GROWN," and concluding with the
opera of "GUY MANNERING," interspersed with Storge, Ducts,
Chorness, Dances, &c. Mr. J. H. Alleu, Mr. G. L. Fex, Mrs.
H. F. Nichols, the Messicurs Dersers and the entire company
and Mrs.

THE THRILLING EPFECT.—It is a glorious specialle to gaze upon the Living Fish sporting in the Caystal Aquanta at Earnum's Museum. The effect is thrilling upon an imaginative mind. And when the glistening and graceful creatures are fed in the morning, the sight is admirable. The Welsh Nightingale sings again This Alternoon and Evening at Barrum's.

[Advertisement]

[Advertisement]
COUNTERFEITS.—In consequence of the various attempts to counterfeit that very popular medicine, Dr. H. James's Extract of Canners Indica, for the cure of Consumption, Coughs and Cold. Crappeck & Co., of No. 225 North Second-st., Philadelphia, who alone are the Doctor's wholesale agents, have opened a store at No. 448 Broadway, New-York, where it can now be had by the gross or single bottle, with the Doctor's name blown in the glass. All others are counterful.

THE AUTUMN HAT.

The attention of Gentlemen is particularly invited to occaniful and very attractive Hat for Autumn.

WARNOCK & Co.,

No. 519 Broadway,

St. Nicholas Hotel.

[Advertisement.]

GEO. SAUNDERS'S METALLIC TABLET SPROP, the oldest and most approved article in use, having been before the public the last 55 years. The genuine can be obtained of J. & S. SAUNDERS, Store only at No. 7 Autor House.

[Advertisement.]
LEA & PERRINS' WORCESTERSHIRE SAUCE LEA & PERRINS' WORCESTERSHIRE CAUCE has established for itself a high reputation among all who love a piquant flavor added to their dishos. Another recommendation of this Sauce is it wholesomeness, and, being so good an article, base imitations are offered to the public.

JOHN DUNCAN & SORS, No. 405 Broad way, Sole Agents for United States.

TEAS CHEAP FOR CASH.—We offer for sale, at 15 to 20 per cent under July price, a good assortment of Green and Black Teas, or on usual time for approved paper.

JAMES CASHDY & Co., No. 155 Front-st.

[Advertisement.]
TAYLOR'S
[STERRATIONAL HOTEL.
AND
SALOUS,
Broadway, corner of Franklin-st.

GAS, GAS.—Some new and beautiful styles of Gas Finture, just out for the Fail trade; also, a new Patent Gas Purifier that will save 40 per cent to the consumer. Call at our greet manufacturing depot, No. 576 Broadersy.

ARCHER, WARNER & Co.

[Advertisement.]

F. S. C. L. E. A. V. E. R. 'S

Price-Medal Hearty Soar, containing the most delicate perfume, and warranted not to irritate the skin.

F. S. CLEAVE'S Pure GLYCKEIBE Soar, for the skin, being a new article, recommended by the Faceity.

BROWN WINDSOR, and every description of PARCY SOAP and PRITURERY, to be had of all respectable venders in the States. Manufactory, Red Lien square, bondon. Deput for the United States, Nos. 31 and 33 Deput., New York.

J. C. ROYSTON, Agent.

J. C. ROYSTON, Agent.

[Advertisement]

We are authorized to say that Dr. UNDER
ULL's Grape Depot opens for the sale of his choice Grapes
to the old stand, No. 288 Broadway, on TUESDAY NEXT.

As a remedy for Dyspepsia and Indication, we telek the Oxygenxarie Bitterns unequaled. They are free from alcohol, and contain—judiolously combined with other hygicals substances—expen, the chief with simplest.

hand every variety of Tass for Groners, Tes Dealers, and private families—Southong, Oolong and Young Hyson, from 35 cents to 64 cents; Gunpowder and Imperial from 35 cents to 68 cents from the condition of the cents—all other qualities equally low. Also, 3 th bogos of god Family Tes for one doing. Ceit and oransine.
No. 126 Chathern-et. bet on Food and Repowerd-site.

THE PUBLIC EFENING SCHOOLS.—The public over ing ecopols for the Festern District will be opened to

Monday evening, the 28th inch. They will be held a the public school, corner of Fifth and North Fish streets, and the public echool in Remsen street, near

FALL FRUITS AND FLOWERS -The Fall Exhibition of the Brooklyn Herticultural Society was closed last evening, after a three days' display of fruits and flowers. The Exhibition was held in the Athensen, on the corner of Atlantic and Chinton streets. The ball was crowded every day and evening with members of the Society and other visitors; and as this Exhibition is always one of fashionable resort, the scone

was one of continued gayety. The Herticultural Society is one of the "peculiar institutions" of Brooklyn, and, in one view, holds, in the temple of teste and art, a parallel niche with the Philharmonis Society. The same fashionable practices are common to both. People go to the Philharmonic Society, not to hear, but to be heard; and necpie go to the Horticultural Society, not to see, but to be seen. The Athenseum is of the same brick and stone with the Academy of Music; and the entrance to both is through the milliner-shop. The "maids" have a new dress for "the exhibition," as they have for bails and the opera; and the "ewains" go to the expense of fresh gloves, to enlist in the brilliant promonedes around the ball.

Miss Proscrpine is always expected to be there-

not to "gather flowers," for visitors are requested "not touch the articles," but to exhibit " herself a fairer flower." Miss Proserpine, during her evenings there, is expected to glow in the cheeks like the bloseom of the fish-geranium, and to scatter from her handkerchief the incense and odors of the Jockey Club. Everybody, therefore, goes to the exhibition principally to see Miss Prescrpine, while the peas and beaus, the cucumbers and yams, the apples and pears, the dahliss and heaths, merely take advantage of the crowd that admires her petals to show their own more humble rinds and stems.

A band of music was in attendance throughout the exhibition, which added to the exhilaration of the company, though hardly to the proper attractions of the occasion; for flowers are mostly enjoyed when people are in quiet moods: A brass band has no more place among flower-pots than a Chinese gong during a sermon. No music can be safely added to flowers. except the music of birds; but this has not yet become a feature of any of our horticultural exhibitions, and perhaps never will. The tables in the Athenaum divided their burdens

about equally between flowers and fruits. There were less flowers and more fruits than last year. The cold weather, of course, had something to do with this arrangement, as the out-door plants were few. But the Exhibition-except of the skires and bonnete-on the whole was very creditable. Among the fruits, the Grapes were the most luscious

and tempting, as they always are. Many varieties of white, black and purple were exhibited—such as "White Syrian," "White Tokay," "Royal Muscatite," "Muscat of Alexandria," "Wilmot," "Wnite Frontiguse," "Black Hamburg," "Frackin-"Black Prince," "Wilmot's Hamburg," dale." the "Purple Damascus," and many others of the Tyrian bue, not te mention the common "Catawba." The "Rebecca Seedling," a specimen of which was exhibited last year, was shown; also the Diana," a seedling of the "Catawba." The specimens of pears were very fine, particularly the nuhardly any of these were more tempting to the eye or palate than the familiar "Bartlet" or "Seckel." Native figs and oranges, well grown for our cool soil, were smong the curiosities of the tables; and plums, peaches, nutwegs and watermelons were among the luxuries which we can not merely afford to see, but afford to sat.

The department of vegetables comprised the usual sams, beets, egg-plants, tomatoes, potatoes, parsley, pic-plants, peppers, cucumbers, cabbages, &c., of which many of the ladies were found not to know the names!

The cut flowers were chiefly dablins, with a few at ec mens of fine roses. The plants in pots were in good condition and

made a fine display. Among the best "single specimens" were the "Hakea Victoria." from King George's Sound; "Chillan Cedar;" several "Ixoras," in fine bloom; two or three beautiful specimens of "Dracena," with purple leaves; several "Croton" plants, with variegated leaf, and three "Japan Lilles." seedlings of very beautiful varieties. The collections of Cacti, Ferns, household Geranium, A GOOD SCHOOL FOR MENTAL EDUCATION.

A PLEASANT CHRISTIAN HOME IN THE COUNTRY FOR MORAL

J. B. CURLEY, an experienced teacher, takes into his family a few boys, for whose moral, mental and physical wants he carefully provides. Terms for board, with tuition in the common branches, \$150 per year. Higher branches extra. For full information address immediately J. B. CURLEY, \$40, WESTFORT, COND. (50 miles from New-York by railroad) or Mr. C. A. CURLEY, at No. 57 St. Mark's-place, \$12.4, N. Y.

DEMOCRATIC ASSEMBLY DISTRICT CONVENTIONS .-The delegates to the Democratic Assembly District Conventions for the Eastern District met yesterday aftertoon. Those from the VIth District, comprising the Thirteenth and Fourteenth Wards, met at No. 110 Grand street, and unanimously renominated the Hon.
John Hanford. The contested delegates organized and nominated Edmund Driggs.

The delegates for the VIIth District, comprising the

Seventh, Fifteenth, Sixteenth and Nineteenth Wards, met and after organizing, adjourned one week.

DI NOCEATIC ASSEMBLY NOMINATIONS,-The Demecratic Assembly Conventions met yesterday aftertoen and made the following nominations in the districts viz:

Ild District-Comprising the First, Sixth, and Twelfth Wards, Moses S. Beach.

IIId District-Comprising the Fourth and Teuth

Wards, acjourzed until Saturday afternoon. Supervior Samuel Smith and Capt. Farrington are the candilates before the Convention.

1Vth District-Comprising the Second, Third and Fifth Wards, David M. Channey.

Vth District-Comprising the Nitth and Eleventh Wards, acjourned till next Wednesday after taking four bailets. Wm. T. Mills and Pelix Campbell are the candidates before the Convention.

To the Editor of The N. Y. Tribune. Sin: - In your tesus of this morning, under the head-

ing of "Cases Settled," you say that the long pending case of Coons vs Leete, which has been before the Courts here, both civil and criminal, some three years past has, it appears, been arranged, &c.; also the libel suit against Hichway & Hogan, &c., arranged, &c.; also the libel suit against Hioliway & Hogan, &c., all of which have been discontinued. This is evidently intended to impose upon your readers, and injure me. You will do me a favor by staring that the whole statement is untrue in every perticular, as far as a settlement or discontinuance of those enits is concerned, as I have not at any time, nor do I now, subtrain any overtures for a settlement, nor will I until the requisite retractions are published, and damages paid. But I am informed that N. F. Waring, Leete's councel, did amounce in Court vesterday, before Jadge Birdseye, that such was the case, and had it so marked on the calendar, without the consent of myself or sittonics, or a shadow of sutherity from any legal source a hatever. These suits were this day referred, by consent of coursel, to a referree.

M. P. COONS FIREMEN'S BADGES —A total of 606 extra badges have been issued to the Fire Department, Western District, by the Commissioners. Up to September 24 about 100 have been issued to exempt fremen.

PRESTICE'S HAT PACTORY .- The Hat Manufactory

of John H. Prentice & Co. having stopped operations, in con-sequence of the fallers of the firm, some six hundred opera-tives, male and female, have been thrown out of employment. COURT OF OVER AND TERMINER -Before Judge

Birdses and Associates Emmons and Schoomnaker. Peeter-cay morning Samuel Keys was arrested for manslaughter, in having on the 4th day of June last, leaten his wife Mary so everycy, that she side in a few hours after. Mesers Re-moids and Moore were assigned him as counsel, and his trial will take in the Circuit yesterday the case of Highway agt.

In the Circlet Visited an observed the configuration of Rosen, being an action to replect in a printing green, was decided in favor of plaintiff for \$225 23.

Colonical for Monday—Nos. 186, 137, 172, 173, 174, 175, 176, 177, 179, 184, 181, 182 183, 184, 185, 186, 187, 189, 189, 290, 201, 202, 202, 210, 211, 213, 215, 217, 219, 220, 224, 222.

CITY COURT—Before Judge CULVER.—Bridget Smith vs. William Office.—This was an action to moore demand for an assault and bestery on pialetts! Peachtfu since lives to the ossue him o with deve dead, and the assault considered to defractions beauty him or compay past, inputing her accuracy. Vertical for plantage 4:66 damages.

LAW INTELLIGENCE

TRIAL OF MICHAEL GANCEM! POR ALLEGED MURDER OF BUGENE ANDERSON The Court room was again crowded youte day to

witness the proceedings in this trial. At 10 o'clock Judge Rocsevelt took his seat and the examination of witnesses was commerced.

The first witzess called was a Fronchman named

Françoise Mollier, who was examined by Mr. Paillips through an interpreter. He testified as follows :

The first witzere claired was examined by Mr. Paillips through an interpreter. He testified as follows:

TESTIMONY OF MR. MOLLIER.

I am by trace a currier, and reside at No. 117 Centre street, near Worth street, I receilect the 23ts of July last; on that morning I went out about \$4\$ o'clock to take the fresh sir; I was near Elm street in Worth street when I heard a noise; I turned around and saw two or three policemum who were failewing a man in the act of running very rapidly; the man I saw so into a house; I was in the street a few paces distant from the house; after a few minutes desay the policeman brought the man back; they returned to the corner of Elm and Cahal streets and took the man to the Station-House where the Ceroner's inquest was hed; when I fast heard the noise I was standing on the north side of Worth street very near Elm street; the man passed within to or 15 paces of me; the man had no hat or cost on, and he had on a colored shirt; I taliak he had a ranal vest on.

"Q.—Do you see the man who ran now? A.—I see him very well, but he is not dressed the same.

Q.—Point him out. A.—That one [pointing out the prisoner]; in stoot three or four minutes the officers brought the man out of the house, the same one whom I saw run.

Witness coss-examined by Mr. Blankman.—I discovered the man coming through Elm street from Canal; I was near to him then, nearly opposite the house where the man entered; was old; from Elm street in Worth street; I did not pay any attention as to whether there were any persons in the street; I person Elm street in Worth street; the door where the man entered; should prison say witness since this transaction, as I could not give ball; I was told I would be well paid.

To Mr. Phillips—I was about to go to Newark that morning where I had work engaged; there were many cf my trade there; I wanted the work engaged; there were many cf my trade there; I was teed to work at my business there.

The next witness examined by Mr. Phillips was John Hillis, who testified as follows:

TestIM

Input have not a rap on; I want not notice him as I only estight

witness, cross-examined by Mr. Blankman—I have known
Cancemi nearly three years; he moved away from that house
about a month, and then came back; I can't recognize this man
as the one who went up the alley way; I was not close enough
when he came out to see whether he was bruised or bloody; I
am certain I heard what he salo; I never knew anything against
this man he was quiet and penceable, so far as we knew.

To Mr. Hall—He did not associate with the people in the
neighborhood. reighborhood, To Mr. Blankman—He was regarded as a peaceable and quiet

Mr. Hall next examined Owen Murray, who testified

Mr. Hall next examined Owen Murray, who testined as follows:

TESTIMONY OF MR. MURRAY.

At one time I resided on the same floor with this defendant; I was there on the morning of the occurrence; the efficer and Mr. Canceni were down stairs by the time I got up; I heard nothing that occurred not be stairs; there was quite an excitement down stairs; the neighbors were surprised at hear ing he had committed the act, as all had known him as a nine man; we did not associate with him, because he did not speak much English; a woman, whom we supposed to be his wife, lived with him; she was called Mrs. Canceni, or Miss Canceni; she was regarded as his wife; I was in his room last Fall; I never passed much notice of the door until the morning of the occurrence; there is a dark bedoom back of the front room. I went to the front room door, but I could not get into it, and we went in the bedroom; on the front room door there was an extra lock and a catch; I did not notice any bolt; when Canceni and his wife would go away, they would leave a padleck on the outside.

Cancerni and his wife would go away, they would leave a per-lock on the outside.

Witness creas-examined by Mr. Blankman—Cancerni was always a peaceable and quiet man, sind to children, and re-spected by all his neighbors; semetimes I would see him up-early; I used to see him with a market beaset and groceries; we seldem saw his wife go after their things; the spartments of that house are all silice on each floor; it is nothing extraordinary for a person to lock his room to keep things safe.

Mr. Hall examined next Cornelius M. Edeison, who

mr. Halt examined testimony:

I am a lamp-lighter for the New-York Gas Company, and was such in July last; my district was bounded by the south side of Grard, west side of Bowery, north side of Walker, and was such in July last; my district was bounded by the south side of Grard, west side of Bowery, north side of Walker, and east side of Broadway; at the time of the murder I was in Cent e street. I presume; snortly after the murder I saw a man running through Walker street, into Courtisand siley, down toward White street; I next saw him take his cost of; the officer wese close behind him, who, I since learned, was Officer Webb, though I did not know his name at the time; the last I saw of the near, he was rouning through Courtisant alley; he was dressed in dark clothing, but I am not positive if he nad his hat on: I did not see him until yesterday in this building; I have no doubt that he is the man.

Witness cross-xamined by Mr. Bfankman—When I first saw the men I was on the rear corner of Florence Hotel, in Walker street, by Courtisant alley; he was running rapidly seeing an officer following, I looked again, and saw him puli off his cost; I saw him next when the officers were going so Centre are circle with him he had re cost on then; his face was bloody; I had then put the lamps out on the corner of Centre and Howard streets; I cid not say anything to anybony; I did not know what he was arrested for cr what crime he had committed until affect ben; I did not see him again until I saw him yesterday, when he was carried out of court in custody; I think he has no mustache then; it was then in the neighborhood of 4 o'clock; it was prestly well advances in the day; I was nearly done putting out the fishts he was pulling off his coat just as he turned into Courtland alley from Walker street.

To the Court—He passed within five or six feet of me; we were both on the same addewalk.

Mr. Phillips then examined Peter Marrin, who gave

both on the same addewalk. Phillips then examined Peter Marrin, who gave

Mr. Phillips then examined Peter Marrin, who gave bit testimony as follows:

TESTIMONY OF MR. MARRIN.

I I am 22 years of age, and am a butcher; I am now employed in a coffee end cake salcon in Centre street; I remember the morning when Anderson was killed; I was then in the bunk-room of Engine Co. No. 46, in Eim street; I was asietp, and a young man came around and said Busene Anderson was killed; I immediately jumped up and as around to the corner of Centre and Grand streets, where I saw Anderson 19 ing on the walk; Some person brought a bill-board and Isid Annerson's bedy uponit, and carried it to the Station-House; I then saw the persons coming up with the prisoner; after that I came down Centre sixet for the purces of going to work; there was a young man named. John flacey with me; we followed the route which it was sid the prisoner has takes in his dight, to see if we could find the pistol; we looked through Elm street, and Howard, until we came to a piece where they were pulling down a building; I looked in there, but not finding it I came up and I gave up all hopes of seeing it, and started on a little look of own to my work at No 162 Vesey street; I had got a little shead when Recey had got down into the area of the house next to where they were building, and found the pistol; I was abeed of him, and he rolled out to me that he had found it, and I came back and he hadded me the pistol through the rabing, and then he got over into the street; I took the pistol with me up to the Station-House, and gave it to Officer Wempse; the pistol was found in the area of No. 33 Howard street, the south side of the a reet, about five doors from Broatway, and about three doors from openite the foot of Grossy atreet.

Mr. A-hmead eaid that unless this evidence was to

way, and about three doors from opposite the foot of Grosys street.

Mr. Ashmead eaid that unless this evidence was to be connected, he should sak that it be ruled out.

Mr. Hall said that he should endeavos to connect it with the other evidence, but under any circumstances he should held that it was evidence as an isolated fact to go to the Jury, as the finding of a pistol on the route which this man had taken. In the case of the people against Larned reported in 3d Selden, it had been ruled by the Court of Appeals, that the finding of false keys and burglar's implements on the route that a burglar in freeing took, was presumptive evidence to go to the jury as an isolated fact.

olated fact. Mr. Ashmead objected to the evidence being ad-Mr. Ashmead objected to the witness if he examined to see if the pistol was loaded or discharged? The witness add he had examined it.

Mr. Ashmead objected to this too, for if the fact of the pistol found could not be proven, to prove its condition, was

the pistol found could not be proven, to proven also not legal, also not legal.

Judge Roceevelt said that he did not regard the Judge Roceevelt said that he did not regard to to to to

Judge Rocevelt said that he did not regard are vidence as mathematical demonstration but as a fact to go to the Jury, which he thought was legal and competent. Witness resuming—The pistod was a large single barrel, with a fint lock, I think; it has about an eighth inch barrel; it was discharged; I did not see Racey pick the pistod up.

The evidence of Mr. Marrin was suspended to examine Mr. Racey, to prove that the pistod was found.

John Racey took the stand and was examined by Mr. Phillips. He testified as follows:

John Racey took the stand and was examined by Mr. Phillips. He testified as follows:

I work in Centre Market; on the morning of the 21st of July I was awakened in the bunk-room of Forty engine-house, in Elm street, by the noise of some persons in the bunk-room, who said Eugene Anderson was shot; I got up and ran to the corner of Grand and Centre street, here I saw them taking the body of Anderson away on a bill-board; afterward I saw a crowd coming up Centre street with the prisoner; I waited a little while, and, hearing persons taking, I saked Peter Marrin where he was going, and he said he was going to work; he and I went down Grand street to Elm, and down Em to Howard, on the reute, as we had been informed, the must had taken in his secape, to see if we could find the pistol; we seroked aroong the house; Marrin was sheed of me, and, when we got into Howard street, when by a house, I got over the railing, and went down and picked up a pistol; I called Marrin back, and gave it to him.

Mr. Ashmead here made an objection to the introduction of the testimony relative to the pistol.

Witness resuming—The number of the house where I found the pistol was 33 Howard street; when House were get from the pistol was 53 Howard street; when House they come persons coming asked also, to see it, and he still kept it in his hands until we get test he Station House; they did not allow use in, and he carried in the pistol; the pistol was discharged; it was a cost of duelting picto, with a long berrel; it was mounted with steed credit work around the butt; the barrel was about nine inchesiced, as user as I can judge; I lifted the hammer to see if there was a cap or the patol, and in deing so dropped the cap of what time I reached the corner of Centre and Grand street; what time I reached the corner of Centre and Grand street; we was the contract on the contract when the court is the same of the corner when the patol of the pistol and then retained with know at what time I reached the corner of Centre and Grand street; to what

PURITHER TESTIMONT OF MR. MARRIN.
Mr. Marrie was recalled, and gave the following adtional ordence—i 513 not see the plant found; I created it

To Mr. Blankman—I was outside the railing of a Silow and gare it to the Sintee House and gare it are seen to the Mr. Baccy handed me the pistol; he Westerhears; one or two handled the platel on our way to be Station Herne, but it did not pass out of any siret; I the fills of the lock was of a edium size, neither dark nor light; I tree see lock on my way to the Station House, and saw the piecer s the flict as they flow of.

The rest wittess was Edmand.

The rest witness was Edward A. Will sighby, who was examined by Mr. Philips.

I am a butcher by trade, and I reside at No. 174 Grand street, next the corner of Centre Skaket place; on tamoning of the 21st of 2191 I based of the 21st of 2191 I based of a pistel or grand of the 21st of 2191 I based of them the corder of protein on the corner of Grand and the 21st where I saw Mr. Anderson lying ou the walk with one of the skewes of his cost burning where he had been shot; I saw Officer Underfull there; I took hedd of him by the coliar and saked him, "What is this?" he was at that time trying to raise Anderson my: I saked him, "What is this?" he was at that time trying to raise Anderson my: I saked him, "What is this?" he was at the time trying to raise Anderson of the war and the corner of I fall of the away have they goor?" he said? Eim street; I ran from there across Grand street down Eim to the corner of I call the away person running for the way. The control of the way person running for the way to the control of the way person running for the way, turned into Breakway, when I had any person running for the part of the way to the way to the said of the lim, "Why don't you stop that man he has shot Ginger." Officer Web them is advance of me, near Canal street; I hallowed out to him, "Why don't you stop that man he has shot Ginger." Officer Web then stered in pursuit, and turned off from Waiker street into Courtlandt alley, while I continued down Broadway to Franklin effect, as I reached Franklin are Franklin the man go out of Courtlandt alley and Ernard where the way to the said of the house, and the fall said the fall said the fall said the fall said the said to the does of a house; there were two our zances, one up stairs and band and he told up said and found the man trying to get into he does of a house; there were two our zances, one up stairs and found the man trying to get into he does not have been and the said and the said and and he told the said has the said and the said and the said and the said and

Anderson and Undermin.

A The rest witness was Philip Hickman, a German, who was examined by Mr Philips. He gave testimony as follows:

TESTIMONY OF MR. HICKMAN.

I keep a vegetable stand in Centre Market; on the morning of July 21 lateod on the corner of Centre Market place and Grand street, and I heard the cry of "thief;" I left that corner and went down Grand street to Centre street; I head the report and saw the smoke of the powder; I then came over to the north-west corner of Centre and Grand streets, and when I came there I saw a man failing and when I came pretty near I saw him rise; I came up and saw his cost burning on his left arm; I squeezed out the fire; I saw a man then also assisting, and I heard the man shot gurding as if he wasted air; I tore open big cravat, and put my finger in the wound in his neck; he then fell over on his back and died; I cannot remember who was there except Willoughby, but others came up; a man asked where the mat, bed run; it was Willoughby ran in that direction; I saw a man run down to Elm street, the man with me said, "Down to Elm street," and Willoughby ran in that direction; I saw a man run down to Elm street whom I first saw over the curbs-stone in the street; he was near the corner when I first saw him; he was not more than two or three steps from where Anderson was lying; he ran obliquely across Grand street to the corner of Elm street; the man had on a high hat and a black coat; I did not see his face; he turned down to Canal street.

Wittess cross-examined by Mr. Blanktona—I was on the

who save testimony as follows: TESTIMONY OF OFFICER WERE.

The next witness examined was Robert M. Webb, who gave testimony as follows:

I am a brass-founder by trade, but am now a policeman of the Fourteenth Precinct; on the fourteenth of July, I was on my port which extended on Gant street, from Revery to Broadway; I was goin to the Station-House a little before my time, it being them diff, I wantly Broadway to Howard street and truck into Howard, include I got to the corner of Crosby street, saw Concern to thoward, where Howe's bakery is, where he ran past me into breadway; as he passed across Broadway, I thought that he was running to catch the cars of the Eighth avenue Ralivad, but when he got near Canal street, he ran over into the Sixth Ward, by Mealio's hat store on the corner of Canal street and Broadway, and thought that he was running to catch the cars of the Eighth avenue Ralivad, but when he got near Canal street, he ran over into the Sixth Ward, by Mealio's hat store on the corner of Canal street and Broadway, and then turned down Broadway; I pursued him, and ran down to Walker street, through Walker street thro Courtlands alley, when I saw him take of his cost and throw it in a soda water wagor; when near the corner of Fronkin street he turned around and threw off his hat; there was a man who had gone asleep on a cart there whom I called a 'bunner,' who was awakened by the noise of my hollowing "stop thleft" and when I passed him he got up, took this man's hat, and ran away with it; I chased Cancemi down Franklin atrect to Elim, through Elim to Worth, where he went up stairs 'Willoughby came up at that moment and I asked him what was the matter; he said that the man had able Eugene Anderson; we then went over to the house and went upstairs and saw him standing at the head of the stairs, as we approached he said. "Me no shoot," I knocked him with my club, and then Willoughby and another young mas, and went upstairs which he work of the knock of the saw him for a past of the capture of Elm into House, if any any and he passed by a pile of each and had been

To Mr. Blankmah.—The property in Canocau's neuse taken to the station-shouse, and I saw it after ward in the possession of the property clerk; we found one pair of new boots, and plenty of shore that had been worn; I saw a jar there, said to be wax, but I don't think it was: I found a piece of wax in a cleck, all numbled up, which I thought had been used for taking im-

Hr. Hall asked, that as the subject of the contents of the room had been introduced they might be allowed to prove by the witness the contents of the room.

Mr. Ashmead said they not only had no objection to this, but they should felter.

mir. ArDinead said they not only had no objection to this, but they should, if the prosecution did not do it, ask that the contents of that room be brought into Court. Mr. A. siso made remarks relative to the refusal of the District-Attorney to all with coursel to see the witnesses who were in the Tombs. If such a thing were tolerated, he said, it was an act of sur-Mr. Hall said that there was no refu al after the

Mr. Hall said that there was no refusal after the counsel had been assigned to the prisoner.

Mr. Ashmead said they they were assigned to the defense in August last. Subsequently, when they called to see prosecuting witnesses, they were shown a note by the warden, of which the following was a copy;

CITY AND COUNTY OF NEW YORK.

DISTRICT ATTORNEY'S OFFICE, Sept. 15, 1837.

DEAR SIR: I have given no order or consent for comment to see the witnesses for the prosecution in Cancemi's case. Please not allow enly such interview.

Mr. Hall said it was a mistake.

Mr. Ashmead said there was no mistake about it, as this was an exact copy of the original.

Mr. Ashmead said there was no mistake about to, as this was an exact copy of the original.

Witness (resuming)—I saw two guns, four or five bowle knives, more or less; a hatchet laid behind the door, one powder finik, a powder tog and the piece looked to me as if it was a regular arisens!, there is an inventory existing of all the was a regular arisens!, there is an inventory existing of all the blogs in the troop which were taken at the time. By spreatment between commed the inventory is to be introduced in widence.

to infroduced in evidence.

The next witness was Francis & Wemps, who has fed as follows:

I am a policeman, and was so on the 21st of July last, in the Fourteenth Precinct; I was in the statements that merning; Mr. Wemyss brought me a coal with some penies to count, and I counted them; there were about one bundred and fifty to one hundred and skry; he gave me a pictod, which I locked up.

The next witness introduced was Mr. Reward D. Cennery, who testified as follows:

TESTIMONY OF CORONER CONNERT.

I am one of the Coroners of this county; I held the inquest over the body of Andarson; I received a platel from one of the officers, but I don't recollect his name; I brought the piece to the Coroners office and gave it to the clork of the office; the office; the office took it out of a drawer in the station-house and gave

John Parise, aworn and examined—The pistol eved from the Coroner I delivered to one of Mr. Half's c

revived from the Coroner I delivered to one of Mr. Hair's come.
Mr. O sen.
Mr. James W. Olsen, sworn and examined—I am a circle in the District-Attorney's effice; I have the pistel given me by Mr. Parise.

[The pistel was produced, and put in evidence.]
Francis W. Wolf sworn and examined.

Francis W. Wolf sworn and examined.

TESTIMONY OF OFFICER WOLF.

Am a police man of the Fourteenth Precised and was so on the 21st of July; I received that morning a coat from Mr. encilback and I put it under my aem; he handed it ten so to Courtiand aley, between Walker and White streets; I carried it to the Station-House and gave it to him in the name state on when I received it; I did not examine it; it was not enamined in my presence; early that morning I saw a man raming down y. I was in Elm street, going down, below Howard; I saw the man's face but I didn't take particular notice; I leed stable of him as he turned Elm street, I followed on with Willeaghby; I was not at Cansemi's house when he was taken; I saw a man whom I suppose to be the man who ran with Webe and Willeaghby; I saw him with them in Elm street.

Cross-camined by Mr. Blackman—The coot felt heavy; I did not search the peckets, however.

Charles Ullman eworm and examined.

TESTIMONY OF OFFICER ULLMAN.

Cross-camined by Mr. Banaman-ne-soute test sawy!

Charles Utiman sworn and examined.

TESTIMONY OF OFFICER ULLMAN.

Am a policeman in the Fourteenth Precinot; I west to the house No. 120 Worth street; I took several silk dresses, several pails, and two guns from there; I took no ammunisten; the guns were losded and capped; I took off the caps; I took in guns to the Station-House and gave them up to Sergeant Williamson; No. 33 Howard street is sixteen feet from the pile of brioka, Cross examined—I don't know that the pile was there on the 21st of July; the pants I took were new; the articles taken by me are in possession of Mr. Warren, at No. 38 White street.

John Williams sworn and examined.

TESTIMONY OF OFFICER WILLIAMS.

I am a policeman of the Fourteenth Precinot; I went to No. 120 Worth street that day; I found there a number of pocussion caps, balls and slugs, four or five hairse, one of which was a dagger, one a dirk knife, one a bowis-taife, and I don't know what other kinds; I found one small box fail don't know what other kinds; I found one small box fail don't know what other kinds; I found one small box fail don't know what other kinds; I found one small box fail don't know the locker I found lone beals and some there is papers; I took those things to Sergeant Weel; there were ever two flashs of powder, and there was a small empty keg, which was marked "powder"; I received the ram-rod of a pistol from a boy on the corner of Grand and Centre streets, where they were putting Anderson on the board; I received some peaning from McGlom at No. 120 Worth street; they were the up in hown paper; there was one door at No. 120 Worth street which could not be opened; there were two locks and a boit on the inside of the door; the door of the bed soom had lies on it, in such a way that when it was shut it could not be heard.

Cross-cannined—Have been in the police stace the 11th of July; I am a painter by trade; there were from tan to stations balls and sings that I took to the Station-House; I do not receilect

charles Luck sworn and examined.

Charles Luck sworn and examined.

TESTIMONY OF OFFICER LUSK.

I am a policeman of the Fourteenth Ward; I saw a number of ceats at the Station-House; I saw the prisence year on a ceat when he went away; it was a dark cost; I don't know where it came from; the coat was laying among the geode that came from his premises; accerat efficers were by when he put on the cost; Mr. Wennyas was by.

Cross-examined—The cost was taken from among the things wrich came from his bouse; I suppose they came from his bouse;

John E. Garrish, M. D., was next examined by Mr.

John E. Garrish, M. D., was next examined by Mr.
Hell. He testified as follows:

Testinosy of DR, Garrish.

My effice is at No. 860 Broadway, corner of Seventeenth street; I was called upon by the Corner to make a post-mortem examination. [The witness here described the insiste wounds on the srm and neck of the deceased.] I saw that the wound was sufficient to cause death, and that the wound was caused by a builet; one builet I found in the shear of the second of the second cer; the other passed up into the meck and up into the brain; as I could not get it out without taking the head from the bedg, it was not decrued advisable to do so; the wound in the neck was efficiently large to admit a small orange or egg; the largus was entirely tornawny; the pistol here produced takes in concretion with the bell found would have caused such a wannig the builet taken out of the shoulder was a slog.

Cross-examized—The wound I don't think could have been made by two successive shots; there were two distinct wounds and two builets; the appearance of the shu about the wound of the neck was very much incernated and ton.

To the Court—It would not require two discharges to effect such wounds as I saw, when two balls are fired from one beared at a target it is found that they go in different directions.

Abram P. De Voursney was sworn and examined.

TESTIMONY OF OFFICER DE VOURSNEY.

Abram P. De Voursney was sworn and examined.

TESTIMONY OF OFFICER DE VOURSNEY.

I am an efficer of the Fourteenth Ward; I saw twoguns at the Station-House, said to have been brought from No.
120 Worth street; I withdraw the charges from both, one was a
double-barrel gun, and the other a single burrel; I gave them
into the hands of the property clerk of the Police Commissioners; I took from the double barreled gun a large build from
each barrel, and IS small builets divided between the two harrels; in the single-barreled gun I found a handful of fine shot.
Cross-examined—I don't know where the guns came from.
To Mr. Phillips—I examined the guns very soon after the
death of Anderson—that day or a day or two after; some
officers and reporters were by when I withdraw the charges.

John Withams recalled—When I found the guns at
Nr. 120 Worth street; I measured them to see what load was is
them; the double-barrelled gun had over five finger leads,
and the single barrel had a five finger load.

Mr. Holl said be had two more witnesses to ex-

and the single barrel had a two enger load.

Mr. Hall said be had two more witnesses to examine, officer Jarvis and Dr. Finnell. As neither were present the Court adjourned to 11 a.m. to day.

SUPREME COURT-SPECIAL TERM-SEPT. 25.—Sefere Judge PEABODY MRS. CUNNINGHAM ONCE MORE. SHE MOVES TO REMOVE HER INDICTMENT PROS THE OYER AND TERMINER.
In the Matter of the Petition of Emma A. Burdell.
This morning Messre, Cnatfield and Stafford, Mrs.

Cunningham's counsel, applied for a certiorari to remove her case from the Oyer and Terminer into the Supreme Court Circuit. The application is made in order that the venue may be changed into another county, on account of the great public excitement in regard to the case. They applied under the following

"No certiovari to remove into the Supreme Court at y indica-ment pending in a Court of Oyer and Terminer before trial thereon shall be effectual, unless allowed by a Justice of the Supreme Court, and no other officer shall have the authority to allow such writ." (R. S. vol. 2, pp. 702, sec. 82)

Mr. Chatfield stated that this was, in his opinion, an entirely ex parte motion, and he was not obliged to give any notice to his opponents. Supposing, however, that they might make some objection, he had notified the District-Attorney and Judge Whiting that he should make this metion. be should make this motion.

Judge Whiting eaid that this was an uncommentation of the process of the structure of the process of the papers on which the motion he had not even seen the papers on which the motion

Mr. Chatfield replied that he was not by law re-

quired to give the gentleman notice, or serve the pa-The Judge then asked that Mr. Chatfield allow Mr.

Whiting to look over the papers on which the motion was made, meanwhile he would postpose the matter for a few mirates.

Judge Whiting then took the papers, and having read them went out to consult with the District-

Attorney.

During his absence Mr. Chatfield said that the

During his absence Mr. Chatfield said that the statute required the defendant to put in bail before the writ could be allowed, and as the bondsmen had been waiting since 10 o'clock he would like that they should sign the bond and be released from remaining longer. He stated that they were the same becksmen who were bail for Mrs. Cunningham's appearance at the Oyer and Terminer.

Some 20 minutes having clapsed since Judge Whiting left the room, he returned and the motion was continued.

Whiting left the room, he returned and the motion was cortinued.

Mr. Chattisid proceeded to state the grounds of the motion, and read the section of the Revised Statutes we have quoted. He said that this writhad been often granted, and sited the case of Veraylie. There there was neither testice given nor papers served, and this very objection made that Judge Whiting made here, Mr. Stafford said that his learned associate and himself were only following the practice and down by Judge Whiting in the case of "The People agit. Reker," where a writ was obtained first Judge Roomysk without as the esthough there was streng doubte.